App F IX-4

Previous References

193 (and.)

File No. 15-38,
Serial Nos. 64, 90, 91

Letter References

WEG7-39(6)

GENERAL AND REVENUE SECRETARIAT.

Serial No. 3

Part B for May 39

SUBJECT.

Resolution of the Gussi Town Mtg, for the acqn of S.No. 73, Gussa Kasaba, for a burial ground,

(No. 91)

To, The Dy. Secy, Transport Dept
No. 8866/A 2-5-39

WD 6265—GPD—22,503—15-3-37

Approves the recs, recommendation

2/5/39

General and Revenue Secretariat | M Ist File No 45 of 1938 | [App F III—2

Serial No 31

From the Dy Comr, Tumkur
Letter No A6 C 359/37 38 dated 23 12 38

Requesting, in the circumstances explained, sanction of Govt to reject under Section 19 (e) of Mysore the resolution of the Gubbi Town Mcl Cl for acqn of S No 93 of Gubbi Kasaba for a burial ground for the Veerasaiva Community

1) The land in question is observed to have been used as a burial ground since 30 6 38, when, on a complaint from the holder of the land, it was prohibited to be used as such by the then Amildar

2) The Town Municipal Council, Gubbi has now resolved again and again on the face of several protests from the people and in spite of the Dy Comr's personal instructions explanations that the land may be acquired for a burial ground, as it was being used as such previously.

3) But the DC is of opinion that it is not desirable to acquire the land for a burial ground, specially in view of the D.H.O's opinion dated 1 2 38 to which kind reference is invited and requests orders for cancelling the resolution of the Mcl Cl under Section

M

NOTE.—Contn Sheet

WD 0044—GLB—30 000—2 9 38

3282/-

Alleged claims for a burial ground at Gandhi

File No 15 of 1939 | General and Revenue Secretariat

of the Town Municipalities Act, perhaps as Common singing or arrangement of the problem

b) The points for orders are whether the D.C. may be advised to take action as per Section 194(1), in the first instance and further action as per provisions under Section 194(2) and the former thereunder:

c) Orders for orders Law Section may also be considered

P.C. 19-1-39 The letter of the President Town Municipal Council Subha dated 9.2.1938 in the Financial to the land in question is stated to be the close to dwelling houses, and the D.C. & Commissioners is unsuited for burial purposes some other land may be acquired as burial ground for the Vedavalira Community people the National of the D.C Tumkur District in which the Council resolution under Section 194 (1) of the T.M. Act may perhaps be approved, and the Municipal Council asked to show cause why the resolution may not be rescinded.

Secy to J.S.

7) A memo be done
2nd Member)

A.

8/2/39 16/1

OFFICE RECORD MEMBER OF LEGISLATION 17 JAN 1939 No. 552

P.C. 19/1/39 c) The letter should be approved to the Secy to Government 8/2/39 Rejected for Instructions

18/1/39 Secy

16/1 2nd Member

3282 / 5599 Acqn of lands for a burial ground at Gubbi

General and Revenue Secretariat | File No 15 of 1938 | [App. F III.—2

Serial No

From the Dy Comr, Tumkur dtd
Letter No Mis C 359/37-38 dt 15 to 39
for a copy of the resolution which Gubbi Town Board passed in response to the Show cause memo issued by the
11) the Pet ee is observed there reiterates his original resolution, on the ground that there is no other land available for the burial ground. But the Govt holds that it cannot be accepted and requests sanction of Govt to reverse the resolution of the Pet ee of causing annoyance or injury to the public
12) Submd for orders Papers pages 7-8
13) The reason given by the Municipal Council Gubbi when asked to show cause why the Municipal resolution stated should not be rescinded, that there is no other land available except S No 73 for the burial ground— is not tenable, and the order of the D C Tumkur directing rescinding the resolution of the Municipal Council Gubbi may be confirmed Reference Govt Order 7 and 8.

19 to 39

Dy C (S.S)

2/19/1-

Dy C

24 39

Asst Comr

11 members

15) 19) 21/4/39

26-4

2/26/1-

26/4

WD 0544—GPB—30,000—2-9-38

LOCAL SELF GOVT
20 APR 1939
GOVT OF MYSORE.

MYSORE GOVT COUNCIL
1939
A 246
NOTE—Contn. Sheet.

Recommend that resolution Gumbo 2 of
for acquisition of No 73 of Gumbo Kesabo
for a burial ground

File No 15 of 1938

General and Revenue Secretariat

(6) Dfc L.O. Sended for approval -
~~Provincial Commissioner's Office~~
~~Lindi~~
27.4.39

~~Lindi~~ 2nd
27/4/-

To the Dc Lindi
D 8866 By 2 5 39
Approves the Dc's recommendation

INC
No. 2
GEN & REV SECTT
1939
91

4659
L

In all future communications please quote
No AG.C.359/37-38.
Enc

Tel Address — DEPCOM

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

Dated Tumkur, the 8th March 193

SLCY LOCAL SELF GOVT 9 MAR GOVT OF MYSORE

2/9/1-

FROM

E V GANAPATI IYER, ESQ, B SC,
Deputy Commissioner,
Tumkur District

To

P.H KRISHNA RAO, Esquire, M A,
Secretary to the Government of Mysore,
L.S.G. Department, *Bangalore*

SIR,

Subject — Resolution of the Gubbi Town Municipal Council, for the acquisition of S No.73 of Gubbi Kasaba, for a burial ground

---

With reference to your letter No. L.5884/Ml.15-38-64 dated 20-1-1939 on the above and further requesting me that the Municipal Council Gubbi, may be required to show cause why its resolution may not be rescinded, I have the honour to state that President, Town Municipal Council, Gubbi has been requested to furnish the reply of the Municipal Council ~~with~~ in regards to the show cause notice issued so as to reach this office within a fortnight from 7-3-1939. The final report will be submitted after expiry of this period

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Tumkur District

Subs for perusal
Final reply may perhaps be awaited
2/9/1-

to 3/39 SEM.8/3.

3262

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

In all future communications please quote
No A.C.359/37-38.
Encs. and file

Tel. Address.—"DEPCOM"

Dated Tumkur, the 23rd December *1938*

Dnl: 15-38-

FROM

E V GANAPATI IYER, Esq, B.Sc.,
Deputy Commissioner,
Tumkur District.

To

SECY TO GOVT SELF GOVT 26 DEC 1938 GOVT OF MYSORE

P.H KRISHNA RAO, Esquire, M.A.,
Secretary to the Government of Mysore,
L.S.G. Department, *Bangalore.*

SIR,

Subject — RE: ACQUISITION OF S.NOS. &% OF GUBBI KASABA VILLAGE FOR THE PURPOSES OF A BURIAL GROUND FOR THE VEERASAIVA COMMUNITY.

In forwarding herewith correspondence ending with Memo No.H.C. 48/37-38 dated 12-11-1938, from the President, Town Municipal Council, Gubbi, on the above, I have the honour to state as follows.-

1) It is seen from the records that the S.No. 73 of Gubbi Kasaba measuring 2 acres and 34 guntas assessed at Rs.4-8-0 in the holding of one, Sidda Malla Vaderu, was being used as burial ground till the end of June 1935, after which, it was ordered by the then Amildar on the receipt of a complaint from the holders of the land that the said S.No. in question should not be used as burial ground.

2) The Municipal Council in their meeting held on 25-5-37 resolved to acquire the said S.No. for the common burial ground in the absence of a separate burial ground available for them and as such the necessary acquisition proceedings started.

3) In the meanwhile objection petitions were received both from the citizens of Hodsanpura and the Superintendent of Methodist Mission at Gubbi against the utilisation of the above S.No. for the purpose of a burial ground on the ground that the land in question is within the

Municipal limits and very near to the provincial road (Bangalore-Honnavar Road) on one side and the Methodist Mission Boys' School on the other and further that the road is being frequently used by the ladies of the town, on their way to the Anjaneya Temple and last from the point of view of sanitation also, the burial ground should not be so near to the dwelling houses.

4) The above objection petitions were sent to the President, Town Municipal Council, Gubbi, for early report, with connected records The President, in submitting his report stated that the Council had resolved to acquire the land in question, to provide the community with a common burial ground, in the absence of one, for the purpose, as it was one of the obligatory duties of the Municipal Council and that acquisition proceedings would be resorted to, on receipt of orders from this office

5) The President, who was directed to obtain the views of the District Medical and Sanitary Officer, Tumkur, with regard to the utilisation of the land in question for the said purpose, reported on 9-2-1938 concurring with the opinion expressed by the District Medical and Sanitary Officer that, the land was not suited for the purposes of a burial ground, during to its close proximity to the town

6) The Municipal Council were, again requested to reconsider their resolution in the light of the opinion of the District Medical and Sanitary Officer But it is stated by the President that the Council have reiterated their previous resolution, on the ground that the land in question, has to be acquired, for the said purpose, as it was being used as such formerly

7) During my inspection of Gubbi town on 3-3-1938, it was pointed to the Municipal Council office, that as the site is close to the Christian and Electrical Colony and in view of the possible further development of the town to this area for its fine situation and proximity to schools etc , it is not, as opined by the District Medical and Sanitary Officer a proper place for a burial ground and in that way place is required for the purpose on this side alone it should be

much further down and away towards the West It was also made clear to them that as there is objection from a large section, which is also tenable, it is doubtful whether the acquisition proceedings would be possible, as per Rules and as such they were instructed to forward other proposals early after personal inspection of other alternative lands by the President in company with some Councillors and the local Sub Assistant Surgeon

8) Since it was again reported by the President on 13-8-1938 that the Council had once again resolved to acquire only the land in question, he was asked to submit a further report as to why the Council had proposed to acquire the land in question now whether to use it, as burial ground or whether to see that the land in question is not used for any other purpose, though it will not be used as a burial ground with a view to its proper preservation only

9) The President has in his memo no. M C 48/37-38 dated 19-11-1938 reported that the matter was placed before the Council, who have re-iterated their former resolution, to the acquisition of the land in question for purposes of a burial ground since it was being used in the past for the said purpose

10) But in the light of the several objectionable points enumerated above and concurring with the views of the District Medical and Sanitary Officer, I opine that it is not desirable to acquire the land in question for the purposes of a burial ground I therefore request that you will be so good as to obtain sanction of Government to the rejection of the resolution of the Council for the acquisition of question under section 194 (1) of the Town Municipalities Act of 1933.

I have the honour to be,

Sir,

Your most obedient servant,

Mohammadan

for Deputy Commissioner,
Tumkur District
(Extract from statem

SW.22/12.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 5884/mel 15-38-6 4 *Dated Bangalore* ~~20th~~ 22nd **January 1939.**

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Local Self Government Department

To

The Deputy Commissioner,
Tumkur District

Sir,

Subject -Resolution of the Gubbi Town Municipal Council for the acquisition of Survey No 73 of Gubbi Kasaba for a burial ground

---

With reference to your letter No.A6 C359 of 37-38 dated the 23rd December 1938 on the above subject, I am directed to convey the approval of Government to your proposal to take action under Section 194 of the Town Municipalities Act and to request that the Town Municipal Council, Gubbi, may be required to show cause why its resolution may not be rescinded

The records are returned herewith for reference and retransmission with your further report in the matter

I have the honour to be,
Sir,
Your most obedient servant,

22/1/39

for Secretary to Government,
LOCAL SELF GOVERNMENT DEPARTMENT

HKR

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 23—1—39

Signed by

List of enclosures

Copied by

Examined by

Section Mel

File No 15/38

Serial No 64

No L5884

To The Dy Comr, Tumkur Divn

Sir

Subject:— Resolution of the Gubbi Town Municipal Council for the acquisition of Nos 3 of Gubbi Kasaba for a burial ground

With reference to your letter No A6 C 359 of 37-38, dated 23 12 38 on the above subject, I am directed to convey the approval of Government to the proposal to take action under section 194 of the Town Municipalities Act to acquire the land for the Gubbi Town Municipal Council, but before this is done, the Council should be required to show cause why the resolution may not be rescinded under section 195 of the Town Municipalities Act.

The records are returned herewith for perusal and retransmission with your further report in the matter.

I have etc

2/19/1/39

for Secy

WD 0278—GPB—30 000—4-8-38

3-3-99

No.A8.C. 359/37-38

Enc.

M 15. 38. 90

From the Deputy Commissioner,
Tumkur District.
Dated, Tumkur, the 15th April 1939.

From

E.V. Ganapati Iyer, Esq: B.Sc.,
Deputy Commissioner,
Tumkur District. Tumkur.

To

P.H. Krishna Rao, Esq:, M.A.,
Secretary to Government of Mysore,
L.S.G. Dept:, Bangalore.

Subject:- Resolution of the Gubbi Town Municipal Council for the acquisition of S.No.73 of Gubbi Kasaba for a burial ground.

Sir,

With reference to your letter No.L. 5884/M1.15-38-64 dated 20-1-1939 conveying approval of Government to take action under Section 194 of the Town Municipalities Act and further calling for a report on the above subject, I have the honor to state as follows:-

The President Town Municipal Council, Gubbi was asked to show cause why the resolution of the Municipal Council, referred to above may not be rescinded in view of the several objections existing to the proposal, as intimated in this office letter of even number dated 17-6-1938, viz that the use of the said land as a burial ground is objected to by a large section of the town's people owing to its close proximity to the town and the likelihood of its causing annoyance to the public thereby, that it is close to the schools and the high roads etc.

In response to the above show cause memo, the President Town Municipal Council, Gubbi in report No.H.C. 45/37-38 dated 6-4-39 has stated that the council in their ordinary meeting held on 31-3-39 have reiterated their above resolution, on the ground that as there is no other land available for the said purpose, for reasons stated

stated ~~by~~ in their present resolution (copy of which is enclosed).

The objections to the acquisition of the land for a burial ground are, as already reported, strong and quite valid and the present resolution of the Council is nothing but a reiteration of their former resolution and the reasons referred to in the resolution cannot be accepted. It will be seen that the resolution has been passed at a meeting when more than half the number of members was absent. In the above circumstances, I request you to kindly obtain sanction of Government to rescind the above resolution of the council as already proposed by me.

I have the honor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District.

AD.15/4.

Gubbi Town Municipality

R S. VI—G 2]

'SUBJECT'

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 2-5-193

Signed by Dr M S H

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press?

(vi) published in the Gazette Kannada Part ?

To Mr D.C. Tumkur

Section Mel

File No. 15' 38

Serial No 9

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Correspondence ending with the letter No Ab C 35a/37-38 of 15 & 29 from the D.C., Tumkur dated under 5th 19 & recommending ~~explanation~~ the purpose, the Land Acquisition Act, 1933 and the resolution of the Government No Cl & ~~Order thereon—No~~ acquire S No 78 of Gubbi Kasaba & a burial ground may be rescinded, in the circumstances reported orders No L. ~~9666~~ 9/2 5' 38 ~~the recommendation of the D.C.~~ Tumkur is approved

2/5/38

Secy to Govt

[redacted]

[redacted]

[redacted]

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

-----:O:-----

R e a d :-

Correspondence ending with letter No. A6 C. 359/37-38 dated the 15th April 1939 from the Deputy Commissioner, Tumkur District, recommending under Section 194 of the Mysore Town Municipalities Act 1933 that the resolution of the Gubbi Town Municipal Council to acquire Survey No. 78 of Gubbi Kasaba for a Burial Ground may be rescinded in the circumstances reported.

****

Order No. L 8866/Mul 15 38-9/

Dated, Bangalore, ~~28th April~~ 2nd May 1939.

A p p r o v e d .

for Secretary to Government,
Local Self-Government Department.

To

The Deputy Commissioner, Tumkur District.

P.H.